

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SHERLITA Q. STEINBERGER,

Plaintiff,

v.

WASHINGTON DEPARTMENT OF
CORRECTIONS,

Defendant.

Case No. C07-5404RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon Defendant's Motion to Dismiss or in the Alternative for a More Definite Statement [Dkt. #10]. Having considered the entirety of the records and file herein, the Court finds and rules as follows:

On November 15, 2007 defendant filed the instant motion and properly noted it for December 7, 2007. Under CR 7(d)(3), Local Rules W.D. Wash., plaintiff's response was due on December 3, 2007. Plaintiff did not respond to the motion. On December 7, 2007 this Court entered an Order re-noting the motion for January 11, 2008. [Dkt. #11]. In that Order the Court informed plaintiff that her response to the motion was due on January 7, 2008 and specifically cautioned plaintiff that the failure to respond to the motion would result in the motion being granted and her case being dismissed. [*Id.*]. See CR 7(b)(2) ("If a party fails to file papers in opposition to a motion, such failure may be considered by the court as an admission that the motion has merit.")

1 To date plaintiff has not responded to the motion. Furthermore, a review of the motion indicates that
2 the motion indeed has merit. Defendant argues that plaintiff has failed to properly serve the Attorney General
3 pursuant to RCW 4.92.020; therefore this Court lacks jurisdiction over the defendant. From the record it
4 appears that defendant has not been served. It is therefore

5 **ORDERED** that defendant's motion [Dkt. #10] is **GRANTED** and this case is **DISMISSED**
6 **WITHOUT PREJUDICE**.

7 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party appearing
8 pro se.

9 Dated this 11th day of January, 2008.

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12 RONALD B. LEIGHTON
13 UNITED STATES DISTRICT JUDGE
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